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14 UNITED STATES DISTRICT COURT
15 SOUTHERN DISTRICT OF CALIFORNIA

16 MS. L, *et al.*,

17 Petitioners-Plaintiffs,

18 vs.

19 U.S. IMMIGRATION AND CUSTOMS
20 ENFORCEMENT, *et al.*,

21 Respondents-Defendants.
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Case No. 3:18-cv-0428 DMS MDD

**DEFENDANTS' STATUS REPORT
RE: EXPANDED MS. L CLASS
IDENTIFICATION PLAN**

1 Defendants submit this status report on their Expanded *Ms. L*. Class Identification
2 Plan. Defendants appreciate the Court's observations about the Plan and the opportunity to
3 respond to those observations. To that end, Defendants have attached two declarations to
4 aid the Court by addressing: (1) Plaintiffs' April 15 filing about the Plan, ECF No. 397;
5 (2) the Court's observations and questions about the Plan, made at the April 16 status
6 conference; and (3) a meeting about the Plan held between the parties on April 22, which
7 included (among other agency representatives) Commander Jonathan White (HHS's
8 operational lead for the Plan) and Jay Visconti (CBP's operational lead for the Plan). Among
9 other things, the attached declarations serve to highlight the following points:

- 10 • **Timeline for Completion:** Commander White believes that the Plan proposed by
11 the government will identify the vast majority of the expanded *Ms. L* class members
12 **within 6 months**. Commander White cannot be certain of this, however, because the
13 Plan rests on a new process that he has not previously conducted or tested and
14 because unknown variables could cause the process to take longer if certain variables
15 do not proceed as Commander White anticipates. Thus, the 1-2 year timeframe noted
16 in the government's plan serves as a cautious outside estimate that applies only if the
17 variables developed by Commander White to speed up the process do not proceed
18 as he expects that they should. A hard deadline is accordingly inapt in this
19 circumstance, particularly because the Plan relies on the assessment and expertise of
20 an operational lead—Commander White—who has been unable to pin down a
21 deadline with certainty but who has repeatedly demonstrated to this Court strong
22 results, good faith, and great dispatch. Defendants thus propose that, rather than
23 setting a hard deadline, Defendants would submit a status report every 30 days
24 informing the Court about the status of the Plan and its execution, based on the
25 reports of Commander White. If, upon reviewing these reports, the Court believes
26 that a deadline or different approach is warranted, the Court can make that judgment
27 based on the information before it at that time.
28

- 1 • **Review of Portal vs. Paper Files:** Review of the UAC Portal, as opposed to paper
2 files, is the fastest and most efficient way to proceed with this review. The UAC
3 Portal contains information that is electronically input from a variety of sources,
4 including from DHS, as well as pdf documents from the case manager's paper files
5 that are uploaded into the portal. The data and documents in the UAC Portal include
6 all sources of information held by HHS that are most likely to answer the question
7 of whether any minor was separated from a parent. Moreover, the UAC Portal is a
8 database that can immediately be reviewed by contract reviewers working together
9 in a centralized location under the oversight of Commander White as soon as the
10 contract for hiring those reviewers is finalized and Commander White can train them
11 regarding the review process. Conversely, case manager paper files are scattered
12 among more than 100 locations and would need to be located and shipped to a
13 centralized location, and they also are not likely to contain all of the information that
14 would inform a reviewer about whether a child was separated from a parent.
- 15 • **April–June 2018 List:** Plaintiffs have stated that they believe that a list exists of
16 children separated between April and June 2018 that has already been reconciled
17 between DHS and HHS. Defendants have inquired extensively about such a list, but
18 have not located any list that meets the description of the list provided by Plaintiffs
19 at the parties' meeting. Moreover, if any such list existed that had been reconciled
20 between CBP and HHS, then Jay Visconti and Commander White likely would be
21 aware of that list. In any event, the government's Plan includes the use of separation
22 data kept by CBP for the time period from April through June 2018. Initial lists
23 reflecting that data have already been sent from CBP to HHS. As discussed below,
24 HHS intends to use this information as part of its first wave of file review in the UAC
25 Portal. Defendants hope that this information and these efforts put to rest any concern
26 about an April–June 2018 list.
- 27 • **Defendants Will Review Files During the Initial 12-Week Plan Period:** As the
28 Court is aware, Commander White estimates that it will take approximately 12 weeks
to develop its statistical prediction model and apply it to the approximately 47,000
relevant records. Defendants assure the Court that they will review files in the UAC
Portal during that 12-week period—that review will not be delayed by any “ramp
up” period. In particular, during that 12-week period, Defendants will undertake
UAC portal case-file review with prioritized groups of files—such as those identified
by the CBP data from the April to June 2018 time period and unofficial ORR lists

1 that were kept during the relevant time period. The government anticipates that this
2 initial case file review effort will be underway within 10 days.

- 3 • **Defendants Will Review DHS Files, Not Just HHS Files**: Plaintiffs have said that
4 the Plan should include review of DHS files. Defendants agree—and indeed, review
5 of DHS files has always been part of the government’s Plan. On a regular basis, CBP
6 will receive information from HHS about children whose file revealed some indicia
7 of separation. CBP will then search its electronic systems of record to determine
8 whether there is a record of the child being encountered with a parent, whether there
9 is a record of the child being separated from that parent, and the reason for such a
10 separation. CBP will send relevant information about the parent and the reason for
11 the separation to both HHS and ICE for further review and an ultimate determination
12 of class membership. Once this coordinated review has been completed and a
determination of class membership has been made, the government intends to
provide the lists of potential expanded class members to Plaintiffs on a rolling basis.

13 Commander White and Jay Visconti will both be present at today’s hearing. Defendants
14 intend to provide information about the government’s Plan, expand on the matters described
15 above, and respond to any questions the Court may have.
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1 DATED: April 25, 2019

Respectfully submitted,

2 JOSEPH H. HUNT
3 Assistant Attorney General

4 SCOTT G. STEWART
5 Deputy Assistant Attorney General

6 WILLIAM C. PEACHEY
7 Director

8 WILLIAM C. SILVIS
9 Assistant Director

10 /s/ Sarah B. Fabian
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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is Box 868, Ben Franklin Station, Washington DC 20044. I am not a party to the above-entitled action. I have caused service of the accompanying brief on all counsel of record, by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically provides notice.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: April 25, 2019

s/ Sarah B. Fabian
Sarah B. Fabian

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

3
4 MS. L., et al.

5 Petitioners-Plaintiffs,

6 vs.

7 U.S. IMMIGRATION AND CUSTOMS
8 ENFORCEMENT, et al.,

9 Respondents-Defendants.

Case No. 18cv428 DMS MDD

Hon. Dana M. Sabraw

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11 **SUPPLEMENTAL DECLARATION OF JONATHAN WHITE**

12 I, Jonathan White, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746,
13 that my testimony below is true and correct:

14 1. The statements in this declaration are based on my personal knowledge,
15 information acquired by me in the course of performing my official duties, information
16 supplied to me by federal government employees, and government records.

17 2. This declaration supplements the declaration that I executed on April 5, 2019,
18 which is attached here as Exhibit 1. The purposes of this declaration are to summarize the
19 case management information that ORR keeps on the UAC Portal, provide additional details
20 about the Government's Proposed Plan to identify members of the expanded class (which
21 would rely on the UAC Portal), and share my concerns about Plaintiffs' proposed plan.

22 **Individualized Case Management and the UAC Portal**

23 3. ORR administers the Unaccompanied Alien Children (UAC) program through
24 a network of approximately 115 care providers located in 17 states. The care providers are
25 ORR grantees. They help ORR conduct individualized case management of UAC.

26 4. ORR uses an information system called "the UAC Portal" to administer the
27 UAC program across the ORR care provider network. The main purpose of the UAC Portal
28 is to enable individualized case management of UACs, not population-level analysis of all

1 UACs in ORR care. It consolidates into a single, unified electronic case management record
2 the most relevant information that HHS possesses for each child.

3 5. The case management process begins when ORR receives a referral of the
4 unaccompanied child from DHS through the UAC Portal. Upon receiving the referral, the
5 ORR Intakes Team uses the UAC Portal to designate a bed for the child at a facility in the
6 ORR care provider network. Once the child arrives at the facility, the care provider staff
7 documents in the UAC Portal all aspects of the UAC's care while in ORR custody. This
8 includes comprehensive assessments of the child's history and family systems, as well as
9 any child needs assessments, youth care services, health care and behavioral health care,
10 significant incident reporting, child protection, and discharge planning for the UAC.

11 6. The information about the UAC that DHS provides to ORR at the time of
12 referral is captured in the Portal. This would include any information derived from the I-
13 213 or other law enforcement apprehension records which DHS shares with ORR. Any
14 such information conveyed by DHS is included in the Referral section of the Portal and, in
15 that way, becomes part of the child's case management record.

16 7. The case management record for an individual child on the UAC Portal also
17 includes information entered directly by care provider staff—including case managers
18 (professionals who coordinate discharge planning and family connection services for
19 children), youth care workers (state-certified individuals who provide individual line-of-
20 sight supervision and care to children), clinicians (licensed behavioral health professionals
21 who provide mental health care to children), health care personnel such as doctors and
22 nurses who conduct children's initial medical evaluation and subsequent medical care,
23 teachers who provide classroom educational services to the child, and any other
24 professionals who interact with the child.

25 8. Additionally, the case management record for an individual child on the UAC
26 Portal includes uploaded documents in portable document format (PDF) for relevant
27 information which was originally on paper (and was not entered directly into the UAC
28 Portal). This includes paper records of health care services delivered, legal documents

1 related to the child, as well as documents provided by the family relevant for sponsor vetting
2 and discharge, such as birth certificates, printouts related to background checks,
3 employment verification. Significant paper documents related to the child are uploaded into
4 the UAC Portal so as to be available to ORR Federal staff as well as care provider staff.

5 9. Separate from the case management record for the child, which is entirely
6 contained in the UAC Portal, individual care providers may maintain paper files on each
7 child. In my experience, the paper files kept by care providers are usually duplicative of
8 the uploaded PDFs and other contents of the UAC Portal. In those instances where the
9 paper files contain information beyond what appears on the UAC Portal, such additional
10 information is typically immaterial to the case management process. That is, the additional
11 information is not material to the child's welfare while in ORR care, or the process of
12 identifying and vetting family members to serve as sponsors for the child.

13 10. In addition, the paper files do not contain critical information that is maintained
14 on the UAC Portal, such as the referral information from DHS.

15 **The Government's Proposal to Identify Potential Expanded Class Members**

16 11. On April 5, 2019, the Government submitted a Proposed Expanded *Ms. L.*
17 Class Identification Plan that is designed to identify substantially all class members **within**
18 **6 months**. The Government recognized that the identification process might take longer to
19 complete, possibly up to 1 to 2 years, if the Government were to instead conduct a
20 randomized or date-ordered manual review of all HHS and DHS records for all of the
21 approximately 47,000 children from the class expansion period. *See* ECF No. 394.

22 12. The Government seeks to streamline and accelerate the record review—and
23 condense the time period for identifying substantially all class members from 1 to 2 years
24 down to 6 months—by applying a statistical prediction model to the records in the UAC
25 Portal, as developed from an analysis of variables associated with the children of original
26 class members. *See* ECF No. 394. The purpose of the model would be to prioritize the
27 record review based on the likelihood of parental class membership, and front-load the
28 identification of potential class members.

1 13. To accomplish the plan, the Government would hire and train a team of data
2 scientists and scalable teams of record reviewers on a contract basis. Ordinarily, Federal
3 procurements for services of this type would require approximately three to four months for
4 the Federal acquisition process and an additional thirty days for recruitment of staff. Here,
5 the Government seeks to complete the procurement within six weeks. The contract
6 personnel for record review would arrive with cleared background checks, and would work
7 full-time reviewing and reconciling case management records and other information for the
8 population of children discharged from ORR care during the expansion period.

9 14. The Government estimates it would take approximately 12 weeks to develop
10 its statistical prediction model and apply it to the approximately 47,000 relevant records.
11 During that time, the Government would conduct concurrent record review for prioritized
12 populations such as the list produced by Customs and Border Protection (CBP) of children
13 separated after April 19, 2018, as well as the informal tracking list of children identified as
14 separated by ORR beginning in 2017. My preliminary assessment is that those two lists
15 combined are likely to yield between 500 and 1,000 children for record review, after the
16 lists are compared against the children who were in ORR care as of June 26, 2018.

17 15. My professional opinion is that the statistical analysis is essential to the rapid
18 and accurate identification of possible children of potential class members for the expanded
19 class period. Nevertheless, the process of record review can be initiated with prioritized
20 populations prior to the completion of the statistical analysis process.

21 16. I anticipate that record review of the two prioritized populations would begin
22 on a limited basis within 10 days. While finalizing the procurement of contract personnel,
23 the Government would deploy specialized Federal personnel from the U.S. Public Health
24 Service Commissioned Corps to conduct record review. The Federal personnel would be
25 trained by ORR subject matter experts and overseen directly by me.

26 17. The initial focus of the record review would be on factual indicia of separation.
27 If the record review team were to find an indicator of separation, then it would reconcile
28 that indicator with the other information in the child's case management record. If the

1 record review team were to conclude that the child was likely separated, it would obtain any
2 additional, available information about the child's parent from DHS. Such information
3 would be used to determine potential class membership. The Government would provide
4 lists of potential class members to Plaintiffs on a rolling basis.

5 18. The Government used a similar process to identify possible children of
6 potential class members in 2018. The key difference is that the Government does not have
7 custody of the children for the expansion class period and cannot speak with them directly.
8 The information that the Government obtained from children in ORR care in 2018 was
9 critical to identifying separations on an expedited basis. Without that information, the
10 reconciliation of indicia of separation becomes all the more critical.

11 **Concerns With Plaintiffs' Proposal**

12 19. On April 15, 2019, Plaintiffs objected to the Government's proposal, and
13 claimed that U.S. Immigration and Customs Enforcement ("ICE") already had a list of
14 children separated from their parents and released from ORR custody between April and
15 June 2018. (ECF No. 397). I have no knowledge of such a list. Since April 15, CBP has
16 produced to me a list of children who were potentially separated between April and June
17 2018. We are in the process of comparing that list against the children who were in ORR
18 care as of June 26, 2018, to determine which children should undergo record review.

19 20. Plaintiffs also made recommendations on how to identify class members for
20 the expansion period. Some of those recommendations—such as reviewing records during
21 the first 90 days of the work—are part of the Government's plan. Other recommendations
22 would decrease the accuracy or speed of the process, or possibly harm ORR's current
23 operations and ability to care for the UACs presently in custody.

24 21. For example, Plaintiffs recommended that case managers review ORR care
25 providers' paper files to identify class members during the expansion period. This would
26 require a redeployment of case managers from 115 facilities to search for, retrieve, and
27 review the paper files at a time when ORR is operating at approximately 97% of its bed
28 capacity, and facing an influx of UACs across the Southern Border. ORR needs all case

1 managers fully engaged in day-to-day case management to achieve a discharge rate that
2 keeps pace with the rate of UAC referrals. If discharges were to fall below referrals due to
3 a redeployment of case managers to paper file reviews, ORR might exhaust its bed capacity.
4 The result would be backups of UACs at CBP border stations, which are short-term holding
5 facilities not suitable for children for stays of longer than 72 hours.

6 22. My professional opinion is that pulling even a few case managers away from
7 their normal duties to conduct or support a paper file review would slow the discharge rate
8 for all UACs, and create a risk of a backup at CBP Border Stations. As the person who led
9 the UAC Program's emergency operations in past influx events in 2012, 2014, 2016, and
10 2017, I am deeply opposed to any proposal to take case managers away from their urgent
11 mission of safe and timely discharge of children currently in care.

12 23. Plaintiffs' approach is also problematic because the UAC Portal is a better tool
13 for quickly identifying possible children of potential class members. The UAC Portal
14 contains the information from the paper files that the case managers themselves deemed
15 material to the case management process. Plus, it contains highly relevant information that
16 does not appear in the paper files, such as the referral information from DHS. The UAC
17 Portal is the natural starting point for any review because it already aggregates the most
18 relevant information available to the Government. Plaintiffs' proposal to review all paper
19 records at all care providers' facilities across the country would result in a duplicative,
20 wasteful, and slower process than review of the UAC Portal online. The far better approach
21 is to review the UAC Portal, and expand the analysis to paper records on a case-by-case
22 basis when there is a specific, identified reason to do so.

23 24. Plaintiffs request that the Government review DHS I-213s and Event ID
24 numbers. As indicated in my previous declaration, *see* ECF No. 394-2 at ¶ 20, the
25 Government plans to review available DHS records that bear on class membership. I
26 envision that the record review team will identify children who were likely separated. The
27 names and Alien Numbers of the children will be conveyed on a rolling basis to CBP and
28 ICE, which will conduct reviews within their own information systems on those Alien

1 Numbers, including the DHS I-213s and information corresponding to the Event ID. This
2 DHS analytic process would inform the development of the lists of potential class members
3 which will be provided to the Plaintiffs on a rolling basis.

4 25. Plaintiff's proposed three-month timeframe for the Government to complete
5 the identification of potential class members is unrealistic. Plaintiff's proposal assumes the
6 Government could simply replicate its extraordinary mobilization of resources from last
7 summer. But, at that time, the children were in ORR custody, and the Government was able
8 to reconcile its records quickly by asking the children whether they were separated from
9 their parents. Plus, a similar mobilization would jeopardize current ORR operations given
10 the influx of UACs across the Southern Border.

11 **Conclusion**

12 26. It is my belief based upon my experience that it is possible to accelerate the
13 accurate identification of potential class members. The timeframe of 1 to 2 years is accurate
14 as an outer bound, and the plan proposed by the Government is intended to compress that
15 timeframe to 6 months. Because this effort would be unprecedented, I cannot guarantee a
16 specific timeframe, but it is my firm belief that the Government's plan is the fastest means
17 available to identify potential class members for the expansion period. I am fully committed
18 to working in good faith with the Court and Plaintiffs to implement the plan.

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21 Executed on April 24, 2019.

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25 Jonathan White
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

Ms. L., *et al.*,
Plaintiffs,

v.

U.S. Immigration and Customs
Enforcement, *et al.*,
Defendants.

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No. 3:18-cv-00428-DMS-MDD

DECLARATION OF JAY VISCONTI

I, Jay Visconti, pursuant to 28 U.S.C. § 1746, and based upon my personal knowledge and information made known to me from official records and reasonably relied upon in the course of my employment, hereby declare as follows, relating to the above-captioned matter:

1. I am an Assistant Chief with the United States Border Patrol (USBP) currently serving in the capacity as a Senior Advisor to the Chief Operating Officer and Senior Official Performing the Functions and Duties of the Commissioner, U.S. Customs and Border Protection (CBP), Department of Homeland Security. I have been in this role since July 2016. In this role, I am responsible for directly supporting and advising the Chief Operating Officer and Senior Official Performing the Functions and Duties of the Commissioner, as well as the Deputy Commissioner, on issues such as USBP's strategic, operational and tactical plans, and policies and procedures governing threats, such as: terrorist organizations, criminal organizations, illegal immigration/human smuggling, narcotics and contraband smuggling, transnational gangs, threats to legitimate trade and travel, and imported consumer products jeopardizing public safety. An additional role that I perform is as the Director of the

CBP Statistical Tracking and Analysis Team (STAT), which provides high-level analysis and reporting into CBP's immigration and seizure data. Because of my work with the CBP STAT, and my previous position as the Assistant Chief over the USBP's Statistics and Data Integrity (SDI) Branch, I was involved in the previous *Ms. L* reunification efforts, and was again called upon to be the CBP Operational Lead for the government's plan to account for the members of the expanded *Ms. L* class.

2. Prior to serving in this position, I was the Assistant Chief over the USBP SDI Branch, where I provided day to day statistics and analysis to USBP senior leadership and worked to ensure data quality within the USBP data. I have been a U.S. Border Patrol agent since January 2, 1996. The U.S. Border Patrol (USBP) is the operational component of CBP with the responsibility of, among other things, apprehending individuals who enter between the ports of entry. USBP maintains information about individuals in its custody in a system of records known as e3. E3, which is a suite of applications containing multiple modules, contains information that USBP collects and maintains to prevent the illegal entry of people, terrorists, terrorist weapons, and contraband from entering the United States between ports of entry. This information includes, among other things, biographic, biometric, and other enforcement and detention data associated with encounters of individuals between the ports of entry. I am familiar with the development, capabilities and updates to the e3 system. Prior to serving as the Assistant Chief over the USBP SDI Branch, I was the program manager for the requirements gathering, design and development of the e3 suite of applications (Processing, Prosecutions, Biometrics, Assaults, and Detention modules).

3. The Office of Field Operations (OFO) is the operational component of CBP which has responsibility for, among other things, inspecting individuals who present themselves at ports of entry seeking admission. OFO uses a system which is in many way similar to e3, known as SIGMA. I have general familiarity with SIGMA and its capabilities.
4. I am familiar with the *Ms. L* litigation, and have personally participated in CBP efforts related to this litigation. In July 2018, I served as CBP's main point of contact in the interagency effort to identify and reunify the children of *Ms. L* class members. During this role, I worked closely with the Department of Health and Human Services (HHS) and U.S. Immigration and Customs Enforcement (ICE). I worked with the HHS ASPR Data team to reconcile unaccompanied alien children file records identified by HHS as possible separations with the relevant data in CBP's electronic systems of records.
5. I am also familiar with CBP's efforts to record and track family separations in CBP's electronic systems of records, and work closely with relevant individuals in both USBP and OFO on such efforts. I also communicate regularly with my colleagues at ICE Enforcement and Removal Operations (ERO).
6. I am CBP's Operational Lead for the government's plan to identify members of the expanded *Ms. L* class, as identified in the filing submitted to the Court on April 5, 2019. In this role, I am working closely with a team of data experts to review relevant CBP files and provide relevant information to the Data Analysis Team for further review. I provide more detail about this process below.

7. I make this declaration in order to explain the efforts that CBP has already undertaken as part of the government's plan to identify the members of the expanded class, and to explain CBP's role in the process.

Identifying Children Separated between April 19 and June 26, 2018

8. Following the expansion of the *Ms. L* class on March 8, 2019, I became CBP's Operational Lead for the government's plan to identify members of the expanded class.
9. CBP's USBP began tracking separations in our electronic systems of record starting on April 19, 2018. I understand that OFO took steps to identify separations prior to June 29, 2018, when the system was updated. Thus, I determined that CBP would provide Commander White and his team with the data reflecting all separations documented by CBP between April 19 and June 26, 2018. This information is not a final list of class members, but it is important data that can be used in the process of identifying the children of potential expanded *Ms. L* class members. CBP maintained this information in USBP and OFO's electronic system of records.
10. In the past week, using the separations data from this time period, USBP and OFO have pulled the relevant cases out of their electronic systems of records, as well as information that was manually tracked, and compiled that data into lists contained in spreadsheets. These lists included all separations of children from their parents or legal guardians recorded from April 19, 2018 through June 26, 2018, regardless of the reasons for the separation. I provided Commander White with the OFO list on April 17, 2019 and with the USBP list on April 19, 2019. The OFO list reflected data

retrieved through June 28, 2018, but no separations were recorded after June 26, 2018.

11. It is my understanding that Commander White and his team will use this and other data to prioritize HHS case files for review to identify possible children of potential class members. Once Commander White and his team have finished their review of their own case files and identified these possible children of potential class members, both CBP and ICE will review its own data to make a determination regarding the circumstances of any separation and to assess class membership. The Data Analysis Team expects that this review will be an iterative, collaborative process.

CBP's General Role in the Government's Identification Plan


12. In general, as described in the government's April 5th filing, the government's plan is intended to be a collaborative, interagency review process, with each agency reviewing their own respective data and exchanging relevant data on a rolling basis. The government's ultimate goal is to identify members of the *Ms. L* class with as much accuracy as possible.
13. Specifically, I expect that CBP will regularly receive information from HHS about children whose file revealed some indicia of separation. CBP will then search its electronic systems of record to determine whether there is a record of the child being encountered with a parent, whether there is a record of the child being separated from that parent, and the reason for such a separation. CBP will generally conduct this review by searching for the child's Alien File number (A-number), and then reviewing all relevant records relating to that particular child's encounter.

14. For instance, CBP may search a child's A-number and find that the child was encountered as part of a group of individuals. It would then be possible for CBP to look through other members of this group to determine whether the child's parent was also part of that group, or whether the child entered the country unaccompanied. CBP will also review the child's documentation in its systems of records, as well as the documentation of any accompanying parent, to attempt to determine the reason for any separation. CBP will then send relevant information about the parent, and the reason for the separation, to both HHS and ICE for further review and an ultimate determination of class membership.
15. Without having information from HHS about which children to search for, however, it would not be practical to simply review every file in a particular event. Some events may reflect the apprehension of hundreds of individuals at one time, all of whom would have the same event number. Thus, without knowing whether there is some indicia that a child in that group was separated from a parent, such a search would not, in my opinion, be likely to lead to information about potential family separations.
16. This is particularly true given the number of individuals that CBP encounters at the southwest border. In FY 2018, for instance, CBP apprehended or deemed inadmissible more than 520,000 individuals at the southwest border. In FY 2019 to date (through the end of March), CBP has apprehended or deemed inadmissible over 422,000 individuals. The records for all of these encountered are contained in two different systems of records, e3 for USBP and SIGMA for OFO, and there are multiple records related to each individual. Thus, without some method of targeting

CBP's review, such as HHS' determination that there is indicia of separation, manual review of these records would require extensive time, resources, and effort, which would dramatically increase the time it would take for the government to complete its complete accounting of the expanded *Ms. L* class.

17. I declare that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 25th day of April, 2019.



Jay Visconti
Senior Advisor
U.S. Customs and Border Protection